

## **REMARKS**

Applicant has carefully reviewed the Final Office Action mailed on December 12, 2009. Applicant respectfully traverses (and does not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. Claims 17-20, 22, 23, 25, and 27 remain pending.

### **Claim Rejections under 35 U.S.C. §103**

Claims 17, 18 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vigil et al. (U.S. Patent No. 5,320,634) in view of Larmour (U.S. Pat. No. 2,237,152) or Most (U.S. Pat. No. 2,127,043). Applicant respectfully traverses the rejection.

Claim 17 recites forming a plurality of openings in the metallic cutting blade along the base to define an interlocking surface. Claim 17 additionally recites positioning the cutting blade adjacent the joining member so that the interlocking surface is submerged within and interlocked with the joining member.

Figure 2B of Vigil et al. appears to disclose semi-circular grooves 35a/b/c formed in the base 37 of an atherotome 28. It can be appreciated that by virtue of the grooves 35a/b/c being *semicircular*, none of the grooves 35a/b/c provide an interlocking surface that can interlock with a joining member. Indeed, because the grooves 35a/b/c are semicircular, their shape would not provide any structural resistance that would serve to hold or “interlock” the atherotomes with a joining member. Because of this, Applicants respectfully submit that Vigil et al. does not appear to teach or suggest the claimed interlocking surface that interlocks with the joining member. Larmour and/or Most fail to overcome the shortcomings of Vigil et al. Consequently, Applicant respectfully submits that claim 17 is patentable over the cited art. Because claims 18 and 20 depend from claim 17, they are also patentable based on this amendment and because they add significant elements to distinguish them further from the art.

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vigil et al. and Larmour or Most as applied to claims 17, 18 and 20 above, and further in view of Lim et al. (U.S. Patent No. 7,147,619). As set forth above, Applicant respectfully submits that claim 17 is patentable over Vigil et al. and Larmour or Most. Lim et al. fail to overcome the shortcomings of the cited art. Consequently, Applicant respectfully submits that claim 17 is patentable over

Vigil et al., Larmour or Most, and Lim et al., to the extent that such combinations are even possible. Because claim 19 depends from claim 17, it is also patentable for the same reasons as claim 17 and because it adds significant elements to distinguish it further from the art.

Claims 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vigil et al. and Larmour or Most as applied to claims 17, 18 and 20 above, and further in view of Forman et al. (U.S. Pat. No. 5,514,092). As indicated above, Applicant respectfully submits that claim 17 is patentable over Vigil et al. and Larmour or Most. Forman et al. fail to overcome the shortcomings of the cited art. Consequently, Applicant respectfully submits that claim 17 is patentable over Vigil et al., Larmour or Most, and Forman et al., to the extent that such combinations are even possible. Because claims 22 and 23 depend from claim 17 they are also patentable for the same reasons as claim 17 and because they add significant elements to distinguish them further from the art.

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vigil et al. and Larmour or Most as applied to claims 17, 18 and 20 above, and further in view of Radisch, Jr. (U.S. Patent Pub. No. US 2003/0040770). As set forth above, Applicant respectfully submits that claim 17 is patentable over Vigil et al. and Larmour or Most. Radisch, Jr. fails to overcome the shortcomings of the cited art. Consequently, Applicant respectfully submits that claim 17 is patentable over Vigil et al., Larmour or Most, and Radisch, Jr., to the extent that such combinations are even possible. Because claim 25 depends from claim 17, it is also patentable for the same reasons as claim 17 and because it adds significant elements to distinguish it further from the art.

Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vigil et al. and Larmour or Most as applied to claims 17, 18 and 20 above, and further in view of Obara et al. (U.S. Pat. No. 4,581,513) or Gray et al. (U.S. Pat. No. 5,895,406). As set forth above, Applicant respectfully submits that claim 17 is patentable over Vigil et al. and Larmour or Most. Neither Obara et al. nor Gray et al. overcome the shortcomings of the cited art. Consequently, Applicant respectfully submits that claim 17 is patentable over Vigil et al., Larmour or Most, and Obara et al. or Gray et al., to the extent that such combinations are even possible. Because claim 27 depends from claim 17, it is also patentable for the same reasons as claim 17 and because it adds significant elements to distinguish it further from the art.

**Conclusion**

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

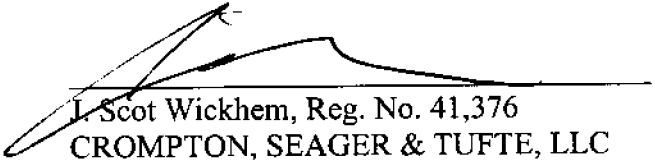
Respectfully submitted,

Gregory S. Kelley

By his Attorney,

Date: \_\_\_\_\_

2-2-2010



J. Scot Wickhem, Reg. No. 41,376  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2420  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349